

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

HERITAGE HIGHGATE, INC, et al.,

Debtors.

CASE NO. 09-11198(GMB)

JUDGE: GLORIA M. BURNS

**ORDER GRANTING THE MOTION OF THE DEBTOR TO DETERMINE THE VALUE  
OF THE SECURED CLAIMS OF PROBUILD EAST, LLC PURSUANT  
TO 11 U.S.C. §506(a) AND RULE 3012 OF THE  
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

The relief set forth on the following pages numbered two (2) is hereby **ORDERED**.

This matter came before the Court on the Motion (the “Motion”) of the Debtor and Debtor-in-Possession (the “Debtor”) requesting a determination of the value of the claims of ProBuild East, LLC asserted as being secured by a lien on property of the Debtors pursuant to 11 U.S.C. §506(a) and Rule 3012 of the Federal Rules of Bankruptcy Procedure; all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§157 and 1334; and the Court having determined that adequate notice of the Motion has been given; and the Court having read and considered the Motion, objections to the Motion, if any, and arguments of any counsel appearing regarding the relief requested in the Motion at a hearing before the Court; and the Court having determined that the legal and factual bases set forth in the Motion and at any Hearing establish just cause for the relief granted herein:

It is hereby ORDERED that:

1. The Motion is hereby GRANTED in its entirety.
2. The value of the secured portion of ProBuild East, LLC’s claims is \$0.00, and, as a result, ProBuild East, LLC is determined to hold wholly unsecured claims under the Bankruptcy Code, lacking the standing to object to the sale of lots in the Debtor’s Estate.
3. The ProBuild East, LLC claims shall be treated as wholly unsecured claims for any and all purposes in the Debtor’s case, including, but not limited to, for all purposes and treatment under the Plan.